

REMARKS

This Amendment is being filed in response to the Office Action mailed March 31, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-10 remain in this application, where claims 1, 5 and 9 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite for containing references to the drawings. Without agreeing with the Examiner, and in the interest of advancing prosecution, claims 1-10 have been amended to remove the references to the drawings. It is respectfully submitted that the rejection of claims 1-10 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-3, 5 and 8-10 are rejected

under 35 U.S.C §103(a) as allegedly unpatentable over U.S. Patent No. 7,165,071 (Fanning) in view of U.S. Patent No. 6,724,914 (Brundage). Further, claim 4 is rejected under 35 U.S.C §103(a) as allegedly unpatentable over Fanning in view of Brundage and U.S. Patent No. 6,681,029 (Rhoads). Claims 6-7 are rejected under 35 U.S.C §103(a) as allegedly unpatentable over Fanning in view of Brundage of U.S. Patent No. 5,649,013 (Stuckey). It is respectfully submitted that claims 1-10 are patentable over Fanning, Brundage, Rhoads and Stuckey for at least the following reasons.

Fanning is directed to a search engine operates substantially in real time through instant updates by the servers on a file sharing network. As recited in the Abstract and the claims, such as claim 4, a requesting server seeking a specific data file identifies a data object description of the requested data file in a request transmitted to the search engine.

In response to the request from the requesting server, the search engine downloads to the requesting server server-identifiers that are stored within a data-object description table. The requesting server then selects a source server from among the

server identifiers provided by the search engine, and downloads the requested data file from the selected source server. Thus, it is the requesting server that selects the source server for downloads the requested data file. The search engine merely provides identifiers of servers that include or store the requested data file.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 5 and 9, amongst other patentable elements recites (illustrative emphasis provided):

downloading by a client device the multimedia object from a distributing server,
wherein the client device is connected to a peer-to-peer file sharing network;

redistributing by the client device the multimedia object over the peer-to-peer file sharing network.

Redistributing multimedia object by a client device that had downloaded the multimedia object from a distributing server is nowhere disclosed or suggested in Fanning. Rather, the requesting server in Fanning selects the source server for downloading the data file requested by the requesting server from the selected source server that the requesting server itself selects, based on

identifiers of servers provided by the search engine.

Assuming, arguendo, the Fanning somehow discloses or suggests redistributing multimedia object by a client device that had downloaded the multimedia object from a distributing server, Fanning still does not disclose or suggest "rewarding an operator of the client device for the redistributing act," as recited in independent claim 1, and similarly recited in independent claims 5 and 9, and as correctly noted by the Examiner on page 3 of the Office Action. Brundage is cited in an attempt to remedy the deficiencies in Fanning.

Brundage is directed to a method of progressively decoding a digital watermark on a distributed computing platform. The distributed nature of the decoding process enables the computations of a decoding operation to be distributed to two or more devices, such as a client device and a server computer. The progressive nature of the decoding process reduces bandwidth and computation requirements.

It is alleged on page 3 of the Office Action that column 7, line 65 to column 8, line 9 discloses "rewarding an operator of the client device for the redistributing act," as recited in

independent claim 1, and similarly recited in independent claims 5 and 9.

It is respectfully submitted that column 7, line 65 to column 8, line 9 of Brundage merely discloses that in response to showing a watermarked CD or music promotion poster, a music file is transferred to the user's personal library on the Internet for access and download at the user's convenience. Such a music transfer is not a reward for anything, but merely a promotion. Even if such a music transfer is a reward, any such reward is not in response to redistributing anything. Rhoads and Stuckey are cited to allegedly show other features and do not remedy the deficiencies in Fanning and Brundage.


Based on the foregoing, Applicants respectfully submit that independent claims 1, 5 and 9 are patentable over Fanning, Brundage Rhoads and Stuckey, alone or in combination, and notice to this effect is earnestly solicited. Claims 2-4, 6-8 and 10 depend from one of the claims 1, 5 and 9 and accordingly are allowable for at least this reason.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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